

AMENDMENT NO. FOUR (4)

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
APACHE COUNTY, ARIZONA**

THIS AGREEMENT, entered into 20 November 2003, Amendment Number 4 to JPA 98-198, AG Contract No.: KR98 2518TRN, filed 29 January, 1999, with the Secretary of State under No. 22947, is pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION acting by and through its TRANSPORTATION PLANNING DIVISION (the "State") and the APACHE COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

The State program manager has approved the distribution of additional funds for federal fiscal year (FY) 2003, in the amount of \$250,362.00 are programmed and approved for distribution to the County, to conduct roadway maintenance for roadways, within, adjacent to, or provide access to Indian Reservations.

THEREFORE, Agreement JPA 98-198, is AMENDED by the parties and agreed to herein as follows:

NO. 22947 # 04
Filed with the Secretary of State
Date Filed: 11/20/03
Janice K. Brewer
Secretary of State
By: Victor D. Graenewald

II. SCOPE OF WORK

1. The State will:

Article II.1 a. shall be replaced as follows:

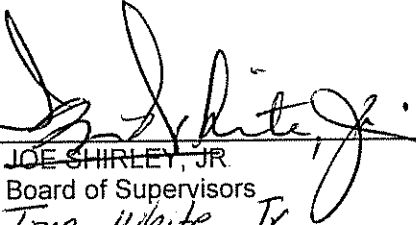
a. Provide the Count federal funds in the amount of \$250,362 00 for FY 2003 for maintenance to be performed on Indian reservation roadways, as defined in Exhibit A, attached hereto and made a part hereof.

All other terms and conditions of the original Agreement remains in full force and effect

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

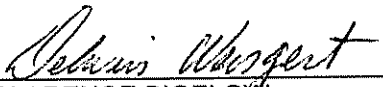
APACHE COUNTY, ARIZONA

STATE OF ARIZONA
Department of Transportation

By 
JOE SHIRLEY, JR.
Board of Supervisors
Tom White Jr

By 
DALE BUSKIRK, Director
Transportation Planning Division

ATTEST

By 
CLARENCE BIGELOW
Clerk of the Board
Delwin Wengert

TOM M. WHITE, JR.
CHAIRMAN OF THE BOARD
DISTRICT II
P.O. BOX 994 CANADO, AZ 86505

DAVID A. BROWN
VICE CHAIR OF THE BOARD
DISTRICT III
P.O. BOX 428 ST. JOHNS, AZ 85936

JIM CLAW
DISTRICT I
P.O. BOX 1952 CHINLE, AZ 86503

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-4364
FACSIMILE: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

CERTIFICATION OF MINUTES

"Ferrin Crosby, County Engineer, presented the request for approval of Amendment #4 of IGA #JPA 98-198 between the State of Arizona and Apache County for the distribution of additional TEA-21 funds for federal fiscal year 2003 in the amount of \$250,362. Mr. Crosby stated that this funding is to be used by the county to conduct roadway maintenance on the reservation school bus routes. Mr. Claw moved to approve, seconded by Mr. Brown. A discussion was held regarding the division of funds to each district within the county. Mr. Wengert stated that there is a proposal to change the formula that is used in the distribution of the funding so that Arizona receives an increase. Vote was unanimous."

I, Delwin Wengert, Clerk of the Board of Supervisors, do hereby certify that the above is a true and correct copy of a paragraph of the minutes of a meeting of the Apache County Board of Supervisors held October 7, 2003.

IN WITNESS WHEREOF, I have affixed the official seal of Apache County at St. Johns, the county seat this 9th day of October, 2003.

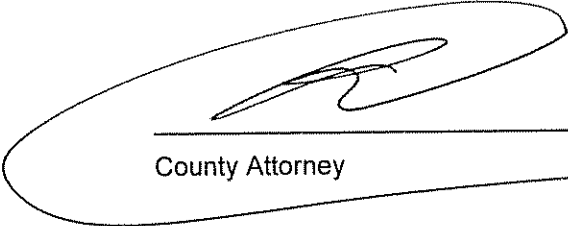
Delwin Wengert
Clerk/Manager

APPROVAL OF THE APACHE COUNTY ATTORNEY

I have reviewed the above referenced proposed Amendment to the intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, TRANSPORTATION PLANNING DIVISION, and THE APACHE COUNTY and declare the Amendment to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement

DATED this _____ day of September, 2003



County Attorney



TERRY GODDARD
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TRANSPORTATION SECTION
WRITER'S DIRECT NO: 602.542.8837

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-2518-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

Date: 29 October 2003

Terry Goddard
ATTORNEY GENERAL

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

James R. Redpath
Assistant Attorney General
Transportation Section

JRR:djd